

FILE HISTORY- JOHN R. SCHUPBACH
2304 S. 24th St.

4/2005 to 9/2009: Six convictions in Lancaster County Court for violations of the Lincoln Housing Code or the Property Maintenance Code. Convictions were for Deteriorated Appearance (accumulated materials) or Accumulated Garbage. Fines ranged from \$100 to \$300 each.

9/23/2010: Petition filed in Lancaster County District Court by the City seeking a permanent injunction requiring clean up of the property.

4/12/2011: Trial held. Injunction awarded to the City requiring clean up by Schupbach in 30 days for non-construction related materials and 90 days for construction materials.

6/9/2011: After failing to clean up the property according to the Injunction, the Court found Schupbach in contempt of court and authorized the City to enter his property to clean up the non-construction related materials.

6/10/2011: City goes in to clean up Schupbach's property. Work was done by 11 Public Works' employees, along with loader, trucks, and four police officers for security. Total cost for the work- \$2,093.78.

9/9/2011: After failing to clean up the construction related materials, the Court found Schupbach in contempt again and authorized the City to enter the property and clean up the construction related materials.

9/16/2011: City goes in to clean up the property again. Ten PW workers, but fewer trucks and equipment. Two police officers provided security. Total cost- \$2759.22. Work was more manual labor than the first time.

10/27/2011: District Court confirms costs for clean up and orders payment within 30 days.

No payments have been made.

Street Maintenance Operations

City of Lincoln

901 N 6th Street

Lincoln NE 68508

INVOICE**TO:**

Building and Safety

Invoice #301555 South 10th Suite 203

Lincoln, NE 68508

Invoice Date: June 22, 2011

DESCRIPTION		AMOUNT
Clean up at 2304 Sewell 6/10/11		
Labor Costs		1,451.89
Vehicle Cost		513.33
Landfill Cost		128.56
Payments by check authorize the City to make a one-time electronic fund transfer. Funds may be withdrawn immediately and your check will not be returned.		
NOTE: 1% added if not received in 30 days	TOTAL	\$2,093.78

PLEASE REMIT TO:

Public Works/Utilities

City of Lincoln

555 South 10th Street, Room 203

Lincoln NE 68508

**IF YOU HAVE QUESTIONS
CONCERNING THIS INVOICE,
PLEASE CALL:**

Nancy Nelson
441-7703

Project for 2304 Sewell Street 6/10/2011

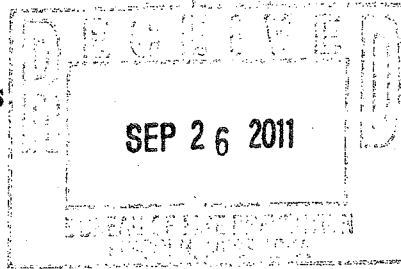
Employee	Hourly Rate	Hours worked	Total
Rosenthal	\$36.29	5	\$181.45
Gleason	\$31.70	5	\$158.50
Massa	\$33.88	5	\$169.40
Stubblefield	\$27.63	5	\$138.15
Sanford	\$28.60	5	\$143.00
Stangl	\$34.74	3	\$104.22
VanMeveren	\$33.88	5	\$169.40
Dunn	\$28.80	5	\$144.00
Bahensky	\$30.65	3	\$91.95
Donner	\$26.44	3	\$79.32
N. Massa	\$14.50	5	<u>\$72.50</u>
Total Labor Costs			\$1,451.89
Vehicle No.	Cost	miles/hours	Total
20471	.68	11	\$7.48
20563	.965	10	\$9.65
23098	.68	19	\$12.92
20437	.965	10	\$9.65
50077	13.88	4	\$55.52
25051	1.78	59	\$105.02
25041	1.78	42	\$74.76
25046	1.78	37	\$65.86
24088	1.29	45	\$58.05
50053	38.14	3	<u>\$114.42</u>
Total Vehicle Costs			\$513.33
Landfill ticket	cost		
30-286146	\$24.15		

20-164108	\$26.72		
30-286104	\$20.44		
30-286058	\$19.67		
30-286173	\$27.30		
20-164125	<u>\$10.28</u>		
Total Landfill Costs			\$128.56
	Total Expense		\$2,093.78

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Street Maintenance Operations

City of Lincoln
901 N 6th Street
Lincoln NE 68508

**INVOICE****TO:**

Building and Safety

Invoice #302555 South 10th Suite 203

Lincoln, NE 68508

Invoice Date: September 23, 2011

DESCRIPTION		AMOUNT
Clean up at 2304 Sewell 09-16-2011		
Labor Costs		2,171.71
Vehicle Cost		458.57
Landfill Cost		128.94
Payments by check authorize the City to make a one-time electronic fund transfer. Funds may be withdrawn immediately and your check will not be returned.		
NOTE: 1% added if not received in 30 days		
TOTAL		\$2,759.22

PLEASE REMIT TO:

Public Works/Utilities
City of Lincoln
555 South 10th Street, Room 203
Lincoln NE 68508

**IF YOU HAVE QUESTIONS
CONCERNING THIS INVOICE,
PLEASE CALL:**

Nancy Nelson
441-7703

Project for 2304 Sewell Street 09-16-2011

Employee	Hourly Rate	Hours worked	Total
E. Gleason	\$31.70	6	\$190.20
J. Sanford	\$28.61	6	\$171.66
J.R. Rodriguez	\$30.65	6	\$183.90
J. Harrison	\$27.63	8	\$221.04
M. Stevens	\$27.59	8	\$220.72
E. Esquivel	\$33.88	8	\$271.04
L. Stangl	\$35.27	7	\$246.89
T. Vanmeveren	\$33.88	7	\$237.16
P. Smith	\$30.65	7	\$214.55
D. Thompson	\$30.65	7	\$214.55
			<u>\$0.00</u>
Total Labor Costs			\$2,171.71
Vehicle No.	Cost	miles/hours	Total
22021	.87	37	\$32.19
22018	.87	54	\$46.98
20555	1.27	31	\$39.37
50084	39.28	4	\$157.12
22023	.87	2	\$1.74
25059	1.83	49	\$89.67
20482	1.83	2	\$3.66
25057	1.83	48	\$87.84
			\$0.00
			<u>\$0.00</u>
Total Vehicle Costs			\$458.57
Landfill ticket	cost		

30-308975	\$28.14		
30-309038	\$26.67		
30-308984	\$28.98		
30-309050	\$45.15		
Total Landfill Costs			\$128.94
	Total Expense		\$2,759.22

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IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,

Plaintiff,

v.

JOHN R. SCHUPBACH,

Defendant.

CASE NO. CI 10-4022

PERMANENT INJUNCTION

This matter comes before the Court on the 12th day of April, 2011, for trial on the Plaintiff's Complaint. Appearances were as follows: Christopher J. Connolly, Assistant City Attorney, appeared on behalf of the Plaintiff; Defendant, John R. Schupbach, appeared personally and without an attorney.

The parties advised the Court that a stipulation has been reached in this matter. The parties have jointly submitted a stipulation wherein the Defendant agrees to confess judgment in exchange for a request from the Plaintiff that the Defendant be given 30 days from the effective date of an injunction to be issued by the court to clean up and remove non-construction materials on the Defendant's property and 90 days from the effective date of such an injunction to incorporate the building materials into a completed project, store the materials in a neat and orderly fashion, or remove the materials. The Court advised the Defendant that he would be giving up his right to a trial in the event that the stipulation is accepted and the Defendant acknowledged that he would be giving up his right to a trial. The Court finds that the stipulation is hereby accepted and that judgment should be entered for the Plaintiff.

LANCASTER COUNTY
2011 APR 12 PM 3:30
CLERK OF THE
DISTRICT COURT

The Court finds the Plaintiff is entitled to permanent injunction. Specifically, the Court finds the following:



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1. The Plaintiff has established by a preponderance of the evidence that the Defendant is the owner of 2304 S. 24th Street in Lincoln, Nebraska and that he has consistently failed to maintain his property in violation of Lincoln Municipal Code § 21.05.320 by allowing an accumulation of debris, litter, rubbish, rubble, solid waste, dimensional lumber, plywood, rock chips, bikes, fence panels, and other items that may hold water and therefore create a risk of mosquitos and other infestations;

2. The Defendant is in violation of the International Property Maintenance Code as adopted by the Plaintiff in § 304.7 in that rain gutters that the Defendant has on his house are full of pine needles and other materials preventing adequate roof drainage;

3. The presence of the materials described above creates an unsightly and unsafe condition that will cause irreparable damage by being a public nuisance and endangering the health and welfare of the surrounding properties and residents;


4. The Plaintiff has no adequate damages at law and that injunctive relief is necessary to protect the welfare of the citizens of the City of Lincoln.

5. The Defendant has confessed judgment pursuant to the Stipulation For Injunctive Relief offered and received as Exhibit Number 34.

WHEREFORE, it is ordered that the Defendant is hereby permanently enjoined from maintaining his property in violation of Lincoln Municipal Code § 21.05.320 and § 304.7 of the International Property Maintenance Code as adopted by the Plaintiff and is hereby ordered to clean up, repair, and otherwise rehabilitate his property to the extent necessary to become compliant with the Lincoln Municipal Code sections described above. The Defendant is further ordered to maintain his property in a neat, orderly, and safe condition in and about his property. This injunction shall be binding upon the Defendant only. The Defendant is hereby given 30

days from the date of this order to clean up and remove all non-construction related materials from 2304 S. 24th Street, Lincoln, Nebraska. The Defendant shall have 90 days from the date of this order to incorporate all construction materials on the property into completed projects on the property, or store and stack in a neat and orderly fashion, or remove from the property. In the event the defendant fails to comply with this order, he must appear and show cause why he should not be held in contempt.

BY THE COURT:



Steven D. Burns
District Judge

Prepared and submitted by:
Christopher J. Connolly, #18047
Assistant City Attorney
575 South 10th Street
Lincoln, NE 68508
(402) 441-7232

LANCASTER COUNTY
2011 JUN 9 PM 1 17

CLERK OF THE
DISTRICT COURT

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,

Plaintiff,

v.

JOHN R. SCHUPBACH,

Defendant.

CASE NO. CI 10-4022

ORDER ON CONTEMPT CITATION
AND MODIFICATION OF INJUNCTION

This matter comes before the Court on this 8th day of June, 2011, upon the motion of the Plaintiff for an order citing and commanding the Defendant to appear before this Court to show cause why he should not be proceeded against and punished for contempt for having failed and refused to obey the order and judgment of this Court of April 12, 2011, and for modification of the injunction.

Appearances were as follows: Christopher J. Connolly appeared on behalf of the Plaintiff; the Defendant appeared personally and without counsel.

Evidence was adduced and the parties were given an opportunity to present arguments. The Court finds that the Plaintiff has established that the Defendant has failed to comply with the Court's order of April 12, 2011, by clear and convincing evidence. The Court finds that the Defendant has failed to show cause why he should not be held in contempt of Court and does find the Defendant to be in willful contempt. The Court further finds that the injunction should be modified.

The Court finds good cause for modification of the injunction herein for the reason that the Defendant has failed, refused or neglected the Court's injunction of April 12, 2011, and has not removed the nonconstruction-related materials from his property. The Plaintiff is granted authority to enter upon the property of the Defendant for the sole purpose of removing and disposing of nonconstruction-related material as demonstrated in the exhibits presented to the Court. Once removal is completed, the Plaintiff may seek confirmation of the expenses involved in the process

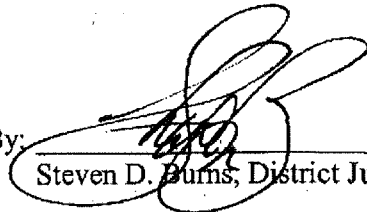


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of moving the nonconstruction-related materials from the property. The Court's injunction regarding construction-related materials remains in full force and effect, ~~and the Court herein renews its order to the Defendant to comply with the injunction.~~ *It is so Ordered.*

Dated this 9th day of June, 2011.

By: 
Steven D. Burns, District Judge

Prepared and submitted by:
Christopher J. Connolly, #18047
Assistant City Attorney
555 South 10th Street, Suite 300
Lincoln, NE 68508
(402) 441-7232

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA
CITY OF LINCOLN, NEBRASKA, 2011 SEP 9 PM 4 38 CASE NO. CI 10-4022

Plaintiff)
CLERK OF THE)
DISTRICT COURT)
v.) ORDER ON CONTEMPT CITATION
JOHN R. SCHUPBACH,) AND MODIFICATION OF INJUNCTION
Defendant.)

This matter came before the Court on the 26th day of August, 2011, upon the motion of the Plaintiff for an order citing and commanding the Defendant to appear before this Court to show cause why he should not be proceeded against and punished for contempt for having failed and refused to obey the order and judgment of this Court of April 12, 2011, and for modification of the injunction.

Appearances were as follows: Christopher J. Connolly appeared on behalf of the Plaintiff; the Defendant appeared personally and without counsel.

Evidence was adduced and the parties were given an opportunity to present arguments. The Court finds that the Plaintiff has established that the Defendant has failed to comply with the Court's order of April 12, 2011, by clear and convincing evidence. The Court finds that the Defendant has failed to show cause why he should not be held in contempt of Court and does find the Defendant to be in willful contempt. The Court further finds that the injunction should be modified.

The Court finds good cause for modification of the injunction herein for the reason that the Defendant has failed, refused or neglected the Court's injunction of April 12, 2011, and has not removed the construction materials from his property. The Plaintiff is granted authority to enter upon the property of the Defendant for the sole purpose of removing and disposing of nonconstruction-related material, as previously authorized by this court, and construction materials as demonstrated in the exhibits presented to the Court with the exception of any materials used in the construction of the



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fence on the Defendant's east property line. Once removal is completed, the Plaintiff may seek confirmation of the expenses involved in the process of moving the materials from the property. The Court's injunction regarding construction-related materials remains in full force and effect.

IT IS SO ORDERED.

Dated this 9th day of September, 2011.

By: 

Steven D. Burns, District Judge

Prepared and submitted by:
Christopher J. Connolly, #18047
Assistant City Attorney
555 South 10th Street, Suite 300
Lincoln, NE 68508
(402) 441-7232

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

CITY OF LINCOLN, NEBRASKA,

Plaintiff,

v.

JOHN R. SCHUPBACH,

Defendant.

CASE NO. CI 10-4022

ORDER FOR CONFIRMATION OF COSTS

Upon motion of the Plaintiff for confirmation of costs, it is ordered that Plaintiff's costs are confirmed in the amount of \$2,093.78 for work performed on June 10, 2011, and \$2,759.22 for work performed on September 16, 2011, for a total of \$4,853.00, and that said costs are assessed to the Defendant and that the Defendant is ordered to pay said costs within 30 days of the entry of this order.

Dated this 26th day of October, 2011.

By: 

Steven D. Burns, District Judge

LANCASTER COUNTY
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CLERK OF THE
DISTRICT COURT



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